



O K L A H O M A  
DEPARTMENT OF ENVIRONMENTAL QUALITY



# **OKLAHOMA**

## **Voluntary Cleanup and Brownfields Redevelopment Program**



# Voluntary Cleanup Options

- ★ Voluntary Cleanup Program
- ★ Brownfields Redevelopment Program



# Does Oklahoma Have a Brownfield Problem?



- Oil Industry
- Zinc Smelting
- Chemical Manufacturing
- Dry Cleaning
- Metal Plating
- Manufacturing
- Printing
- Wood Preserving



































# **Voluntary Cleanup Program (VCP)**

- ★ Informal
- ★ Conducted under Consent Order
- ★ Risk Based, taking into consideration future use of the property
- ★ Potentially Responsible Parties may participate
- ★ An opportunity for Public Comment may be required





# VCP

- ★ Participant pays DEQ's oversight costs
- ★ Institutional Controls may be considered if shown to be effective
- ★ Final documentation – Letter from the DEQ stating that the work was done
- ★ Notice to the deed that remediation occurred on the property
- ★ Provides no liability relief unless specified in Consent Order



# Oklahoma Brownfield Program

- ★ Formal legislated Program (1996)
- ★ Risk Based, taking into consideration the future use of the property
- ★ Potentially Responsible Parties may participate
- ★ Must provide an opportunity for Public Review and Comment on the Proposed Plan





# Brownfields

- ★ Participant pays DEQ's oversight costs
- ★ Institutional Controls may be considered if shown to be effective
- ★ Final Documentation – Brownfield Certificate, filed with land records
- ★ Notice to the deed that remediation occurred on the property
- ★ Provides liability relief from state law and Superfund



# PCBs and Oklahoma's Program



- ★ Many voluntary cleanup sites have PCB contamination
- ★ DEQ has no TSCA authority
- ★ DEQ refers sites that have contamination over 50 ppm to EPA TSCA





# PCBs

- ★ DEQ will oversee PCB cleanup of 50 ppm or less under VCP
- ★ The PCB portion of a cleanup may not be eligible for State Brownfield Liability Relief; however, DEQ is working to change current program to allow any type of pollutant



# General Process

- ★ Pre-Application Conference
- ★ Memorandum of Agreement and Consent Order for Site Characterization
- ★ Conduct Site Characterization under DEQ oversight
- ★ Conduct Risk Evaluation based on future use of the site





# If Contamination is Present

- ★ Evaluate Cleanup Alternatives
- ★ Select Preferred Remedial Option
- ★ Detail how the Remedial Option will meet the risk based cleanup goals
- ★ Sign Consent Order for Remediation
- ★ Remediate the site under DEQ oversight
- ★ Create Final Report



# **If Contamination is Not Present or Present Below Risk Levels**

- No action is necessary





# Federal Brownfield Legislation

- ★ EPA's Brownfield Program's preliminary view is that ALL portions of properties potentially contaminated with PCBs may be eligible for the liability protections under the new Brownfield legislation unless EPA is pursuing TSCA enforcement action
- ★ Property under enforcement action may still be eligible if EPA makes a Property Specific Determination



# Incentives

- ★ Federal Tax Incentive
- ★ State sales tax waiver
- ★ Brownfield Targeted Site Assessments
- ★ Quality Jobs Program
- ★ Covenant Not to Sue
- ★ Location, Location, Location

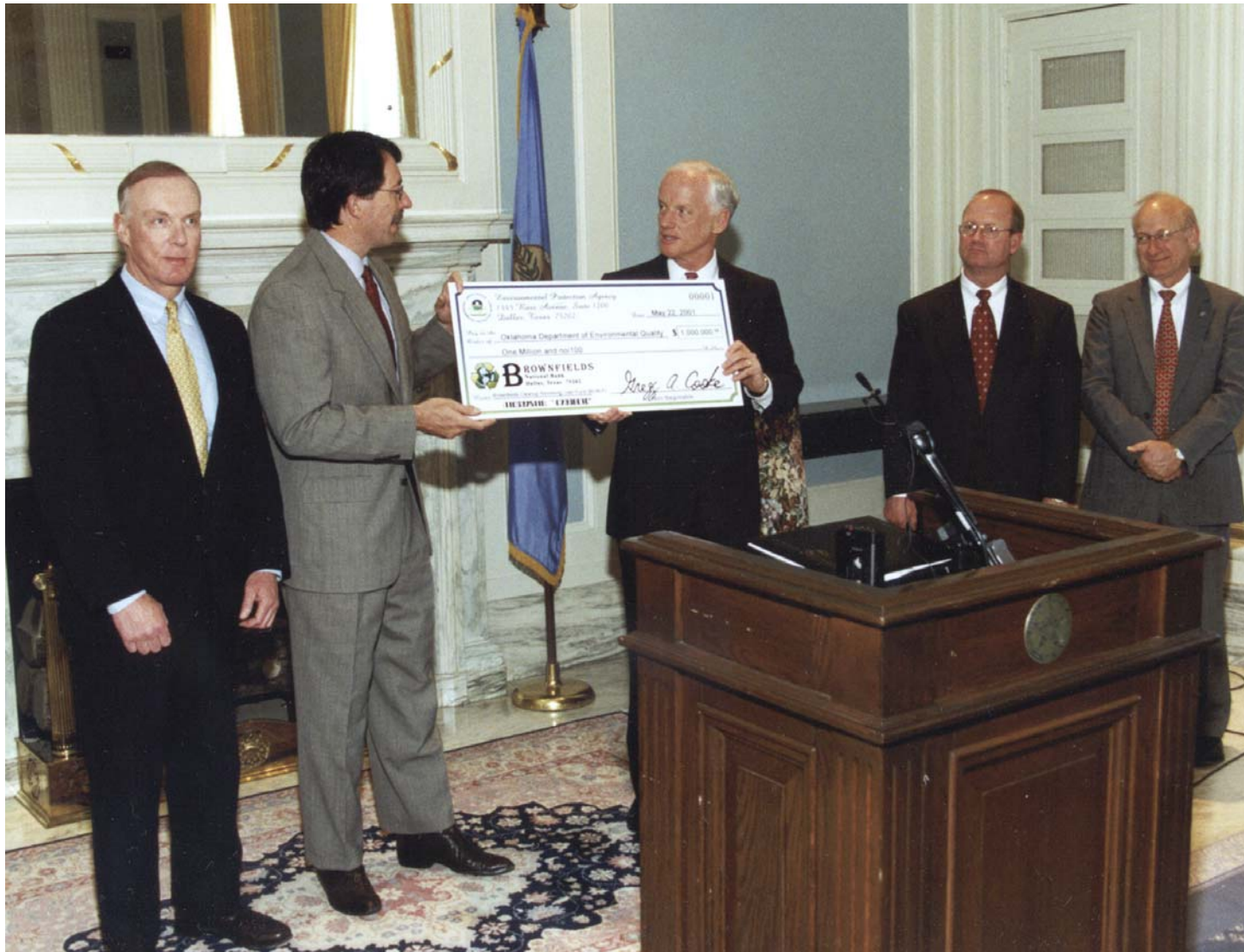




# Financial Assistance

- ★ Brownfield Cleanup Revolving Loan Fund
  - DEQ is the lead agency
  - ODOC is the fund manager
- ★ Clean Water Act State Revolving Fund
  - OWRB is the lead agency
  - DEQ must certify that a site is eligible

































*A Winning Partnership for Okmulgee County*



## Okmulgee Refinery Clean-Up and Redevelopment

*Future site of Okmulgee's newest business park*

*This project made possible by:*

- Phillips Petroleum Company
- Oklahoma Department of Environmental Quality
- Okmulgee Area Development Corporation
- Oklahoma State Senator Frank Shurden
- Oklahoma State Representative M.C. Leist
- Oklahoma State Representative Dale Turner
- City of Okmulgee
- County of Okmulgee
- Public Service Company of Oklahoma

# Contact Information

Rita R. Kottke, Ph.D.  
Brownfields Coordinator  
Oklahoma Department of Environmental Quality  
P.O.Box 1677  
707 N. Robinson  
Oklahoma City, Oklahoma 73101-1677  
(405) 702-5127  
(405) 702-5101 FAX  
[Rita.kottke@deg.state.ok.us](mailto:Rita.kottke@deg.state.ok.us)

